



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

TO ALL INTERESTED PARTIES

Notification of Public Notice

Enclosed are public notices issued by the SCDHEC Office of Ocean and Coastal Resource Management and the U. S. Army Corps of Engineers. All interested parties are allowed 30 days for major developments and 15 days for minor developments after receipt of the public notices to file written comments to the OCRM pertaining to the applications. Only those comments received within this period must be reviewed by the OCRM in processing the permit application. Any person wishing notification of the initial OCRM decision on any specific public notice must make written request within the designated review period for that public notice.

APPLICANT	PUBLIC NOTICE NUMBER	SUSPENSE DATE
Wal-Mart Real Estate Business Trust	2008-0794-1IW-P	June 15, 2008

Written comments will be received on this public notice until June 15, 2008 at the address listed below. For further information please contact the project manager, Georgie J Madlinger, 843 846-9400.

May 16, 2008

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Beaufort Office • 104 Parker Drive • Beaufort, SC 29906 • Phone: (843) 846-9400 • Fax: (843) 846-9810 • www.scdhec.gov

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N #2008-0794-1IW

16 MAY 2008

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

WAL-MART REAL ESTATE BUSINESS TRUST
c/o NEWKIRK ENVIRONMENTAL, INC.
POST OFFICE BOX 746
CHARLESTON, SOUTH CAROLINA 29465-0746

for a permit to place fill material in and perform excavation in tidal ditches connected to waters of

DISTANT ISLAND CREEK

located on a 25.66 acre tract and several adjacent parcels next to US Highway 21 on Lady's Island, Beaufort County, South Carolina (Latitude 32.40714°, Longitude -80.63457°)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 16 JUNE 2008

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing approximately 3200 cubic yards of fill material in 0.39 acres of critical area wetlands consisting of tidal ditches that connect to waters of Distant Island Creek. The areas to be impacted with fill include 0.01 acres of critical area wetlands located on the 25.66 acre Wal-Mart site and 0.38 acres of critical area wetlands located within the SCDOT right-of-way of US Highway 21. According to the agent for the applicant, Wal-Mart intends to mitigate for the project impacts following the SCDHEC-OCRM requirements and is actively conducting a search for suitable lands. A mitigation plan will be submitted in the near future. The purpose of the project is to facilitate construction of a new Wal-Mart store (Wal-Mart Store #5740-00) to serve the needs of the surrounding community by providing a complete, up-to-date, state-of-the-art store for the shopping convenience of the public.

16 MAY 2008

NOTE: Plans depicting the work described in this notice are available on our website at www.sac.usace.army.mil and will also be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107.**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.39 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended). The application has provided a Threatened and Endangered Species Assessment dated September 1007 and has included a letter from the U.S. Fish and Wildlife Service dated October 24, 2007, to the applicant stating that they had reviewed the project under FWS Log No. 2008-TA-0005.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

16 MAY 2008

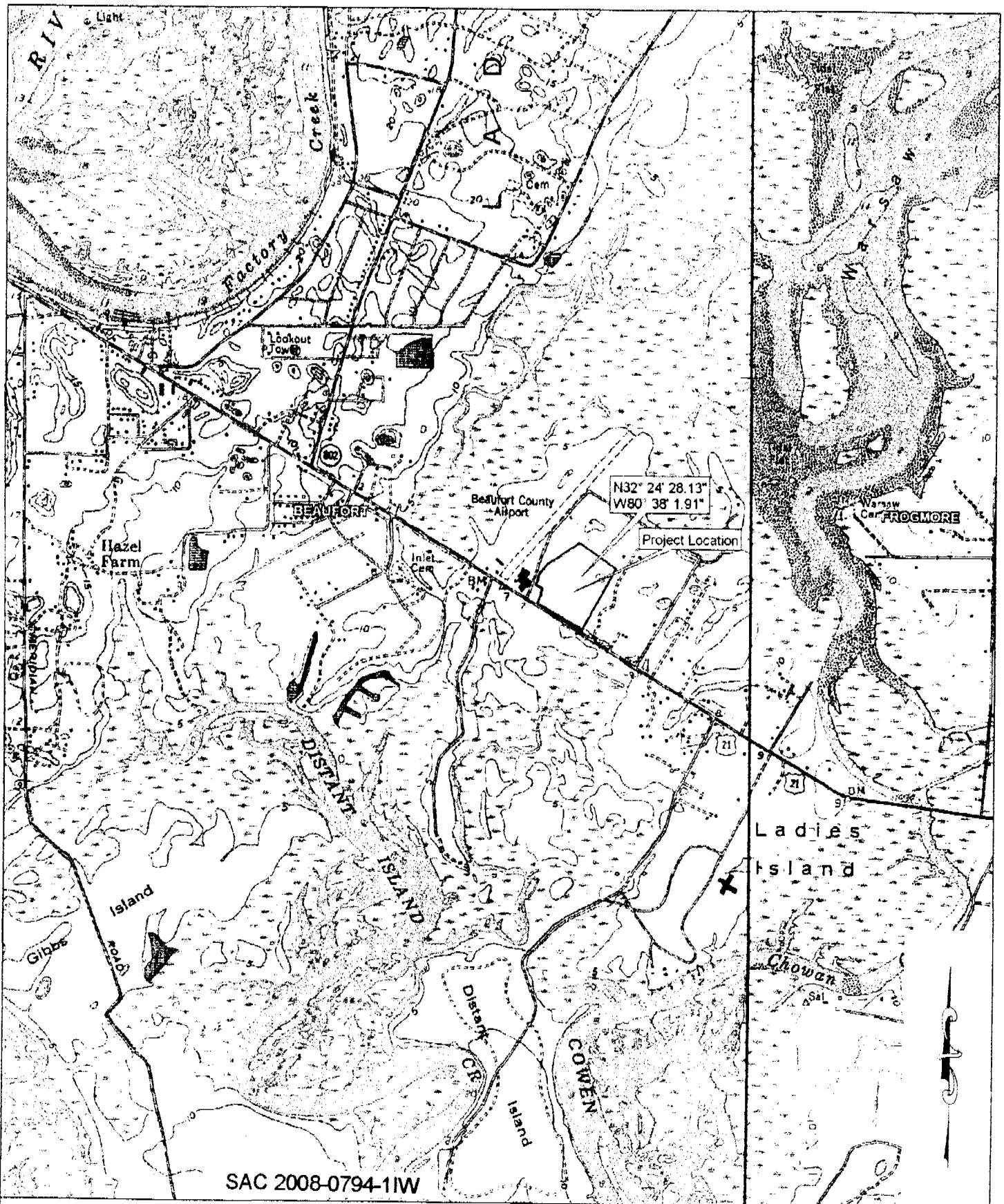
In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Debbie King at 843-329-8044 or toll free at 1-866-329-8187.



SAC 2008-0794-1IW



CIVIL ENGINEERING
STRUCTURAL ENGINEERING
ROOFING AND WATERPROOFING CONSULTING
LAND PLANNING AND LANDSCAPE ARCHITECTURE

SHEET 1 OF 5

1226 YEAMANS HALL RD. HANAHAN, SC 29406 843.566.0161(PH) 843.566.0162(FX)

WAL-MART STORE #5740-00

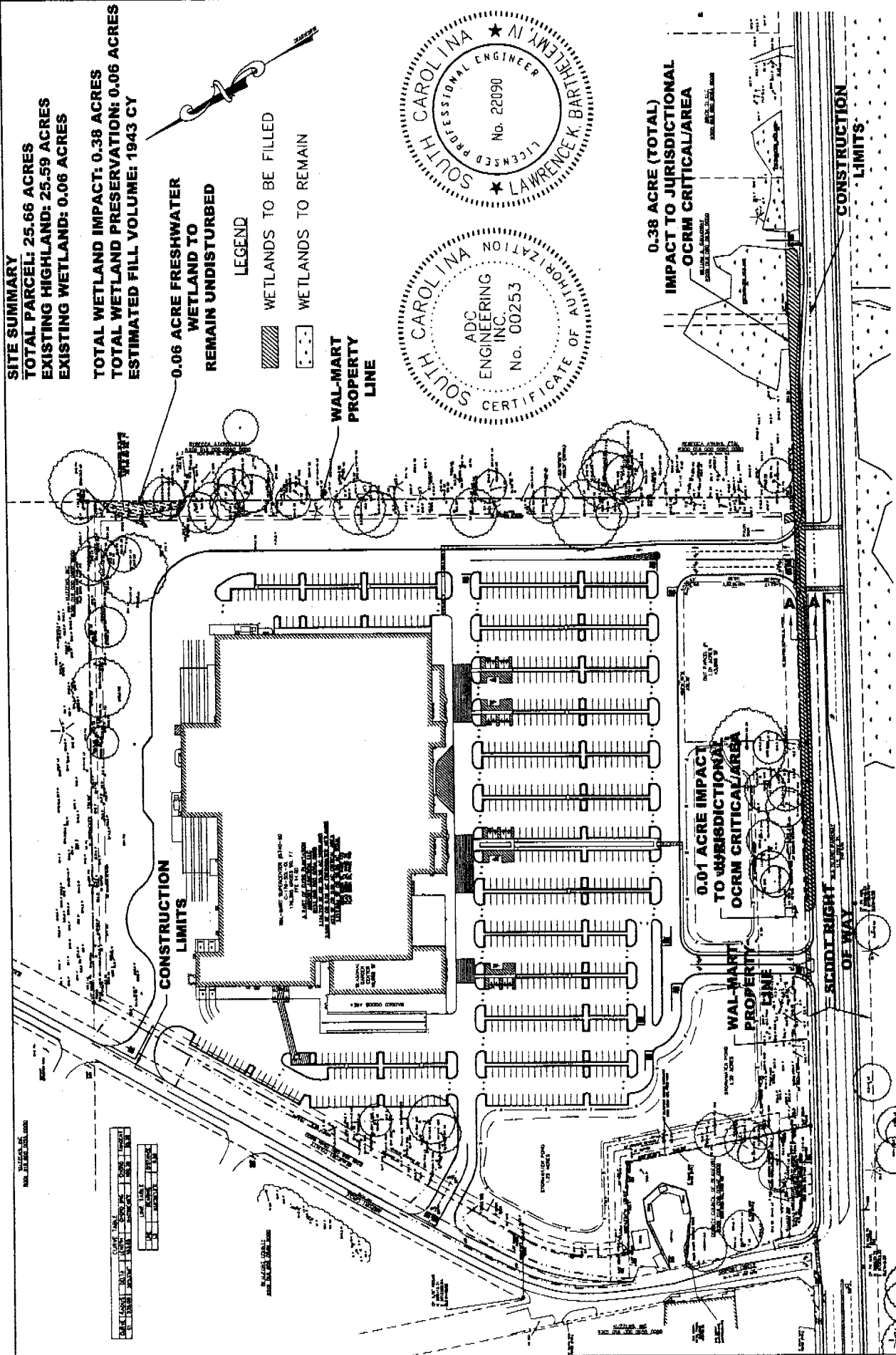
BEAUFORT, SC

BEAUFORT QUAD MAP

PROJ #: 07103

SCALE: 1" = 2000'

DATE: 05/05/08



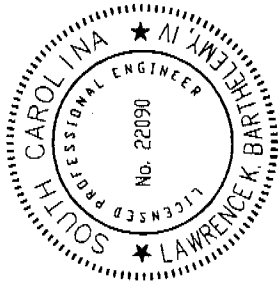
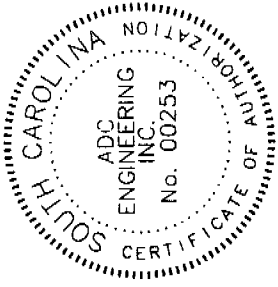
SITE SUMMARY
TOTAL PARCEL: 25.66 ACRES
EXISTING HIGHLAND: 25.59 ACRES
EXISTING WETLAND: 0.06 ACRES
TOTAL WETLAND IMPACT: 0.38 ACRES
TOTAL WETLAND PRESERVATION: 0.06 ACRES
ESTIMATED FILL VOLUME: 1943 CY

0.06 ACRE FRESHWATER WETLAND TO REMAIN UNDISTURBED

LEGEND

- WETLANDS TO BE FILLED
- WETLANDS TO REMAIN

WAL-MART PROPERTY LINE



0.38 ACRE (TOTAL) IMPACT TO JURISDICTIONAL OCRM CRITICAL AREA

0.01 ACRE IMPACT TO JURISDICTIONAL OCRM CRITICAL AREA

WAL-MART PROPERTY LINE

CONSTRUCTION LIMITS

SEDDI RIGHT OF WAY

WAL-MART BEAUFORT #5740

BEAUFORT COUNTY, SC

SALTWATER WETLANDS FILL

PROJ. #: 07103

SCALE: 1" = 200'

DATE: 5/01/08

OVERALL SITE PLAN

SAC 2008-0794-1IW

SHEET 2 OF 5

CIVIL ENGINEERING
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1226 YEAMANS HALL RD. HANAHAN, SC 29406 843.566.0161(PH) 843.566.0162(FX)

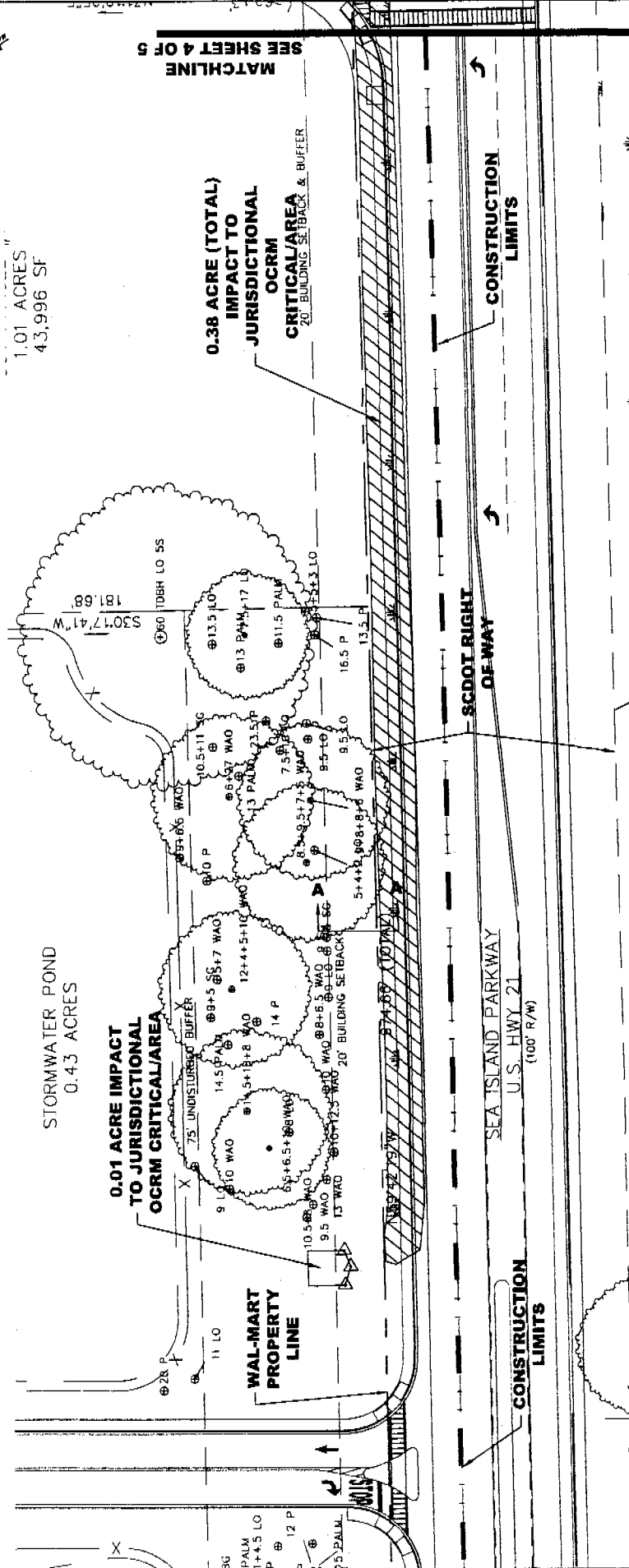
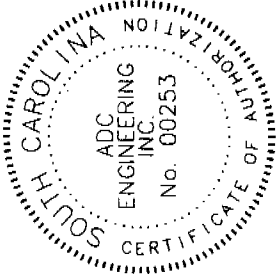
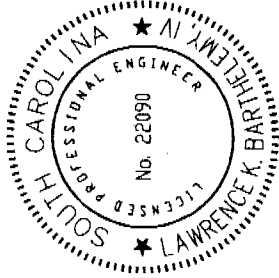
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TOTAL WETLAND PRESERVATION: 0.06 ACRES
ESTIMATED FILL VOLUME: 1943 CY

LEGEND

-  WETLANDS TO BE FILLED
-  WETLANDS TO REMAIN



WAL-MART BEAUFORT #5740

BEAUFORT COUNTY, SC

SALTWATER WETLANDS FILL

PROJ. #: 07103 SCALE: 1" = 60' DATE: 5/01/08

SITE PLAN BLOWUP

SAC 2008-0794-1W

SHEET 3 OF 5



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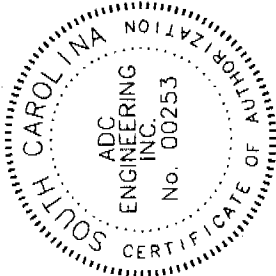
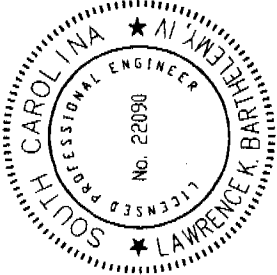
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TOTAL WETLAND PRESERVATION: 0.06 ACRES
ESTIMATED FILL VOLUME: 1943 CY

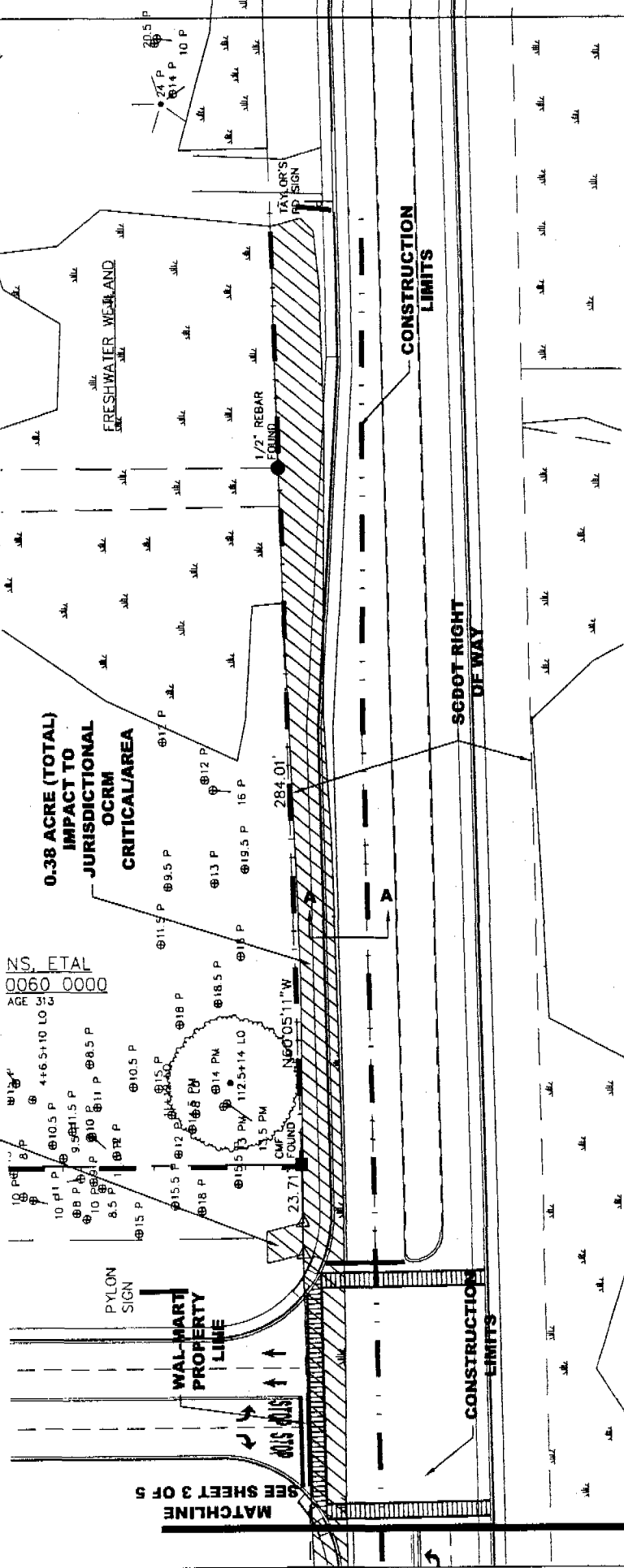
LEGEND

-  WETLANDS TO BE FILLED
-  WETLANDS TO REMAIN



**0.01 ACRE IMPACT
TO JURISDICTIONAL
OCRM CRITICAL/AREA**

**0.38 ACRE (TOTAL)
IMPACT TO
JURISDICTIONAL
OCRM
CRITICAL/AREA**



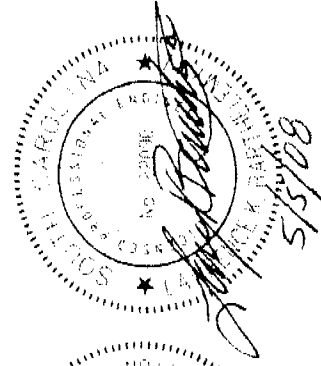
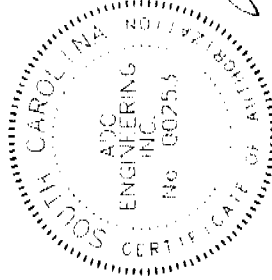
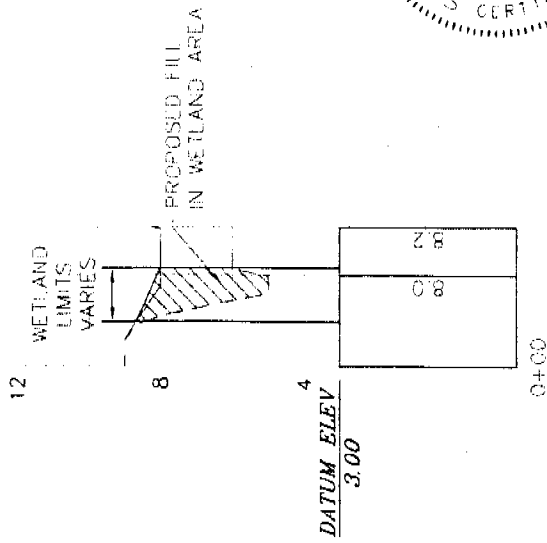
WAL-MART BEAUFORT #5740
 BEAUFORT COUNTY, SC
 SALTWATER WETLANDS FILL

SITE PLAN BLOWUP
SAC 2008-0794-1IW

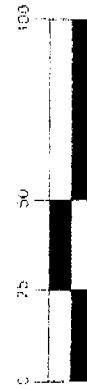
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PROJ. #: 07103 SCALE: 1" = 60' DATE: 5/01/08

SHEET 4 OF 5



HORIZONTAL SCALE



(IN FEET)

1 inch = 50 ft

VERTICAL SCALE



(IN FEET)

1 inch = 5 ft

1943± CY FILL

ADC
CIVIL ENGINEERING
STRUCTURAL ENGINEERING
ROOFING AND WATERPROOFING CONSULTING
LAND PLANNING AND LANDSCAPE ARCHITECTURE
1226 YEAMANS HALL RD. HANAHAN, SC 29406 843.566.0161(PH) 843.566.0162(FX)

WETLAND IMPACT
SAC 2008-0794-1IW

SHEET 5 OF 5

WAL-MART BEAUFORT #5740

BEAUFORT COUNTY, SC

WETLANDS IMPACT

PROJ. # 07101

SCALE: 1" = 5'

DATE: 05.05.08